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OFFICE OF PETITIONS

In re Application of :
Larsson et al. :
Application No. 09/306,684 : ON PETITION
Filed: 6 May, 1999 :
Attorney Docket No. INPA:037 :

This is a decision on the renewed petition under 37 CFR 1.137(b),¹ filed on 15 May, 2001, to revive the above-identified application.

The petition is **GRANTED**.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).


The application became abandoned on 22 December, 2000, for failure to timely reply to the final Office action mailed on 21 September, 2000, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on 24 April, 2001.

Since this application is revived for purposes of continuity only with the Continued Prosecution Application (CPA) filed on 15 May, 2001, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced CPA.

Receipt is also acknowledged of petitioners' "Second Status Inquiry Regarding Notice of Missing Parts" in which petitioners state that a Notice to File Missing Parts of Application has not been received. A review of the Official File reveals no Notice was mailed. The application is being forwarded to the Office of Initial Patent Examination to determine if a Notice to File Missing Parts should be mailed. Thereafter, the application will be forwarded to Technology Center 2800 for examination of the CPA and request for reconsideration.

This application is being forwarded to the Office of Initial Patent Examination to determine if a Notice to File Missing Parts should be mailed. Subsequently, the application will be forwarded to Technology Center 2800 for processing of the CPA and Request for Reconsideration filed on 15 May, 2001.

Telephone inquiries concerning this matter may be directed to the undersigned at 703.308.6918.


Douglas I. Wood
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy